

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Case No.: 2:16-cv-00846-JAD-PAL

4 Mark Clifford Sykes,

5 Plaintiff

6 v.

7 Mark Clifford Sykes Social Security Trust, et al.,

8 Defendants

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10 **Order Dismissing Action**

11 On March 8, 2017, the court notified pro se plaintiff Mark Clifford Sykes that his case
12 would be dismissed if he did “not file a proper complaint” by March 21, 2017, “**this case will be
closed without further notice.**”¹ Sykes filed nothing, let alone a complaint.

13 District courts have the inherent power to control their dockets and “[i]n the exercise of
14 that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.² A
15 court may dismiss an action based on a party’s failure to prosecute an action, failure to obey a
16 court order, or failure to comply with local rules.³ In determining whether to dismiss an action
17 on one of these grounds, the court must consider: (1) the public’s interest in expeditious
18 resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the
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21 ¹ ECF No. 3 (emphasis original).

22 ² *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

23 ³ See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with
24 local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to
25 comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–
26 41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to
27 keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir.
28 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421,
1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

1 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the
2 availability of less drastic alternatives.⁴

3 The first two factors, the public's interest in expeditiously resolving this litigation and the
4 court's interest in managing its docket, weigh in favor of dismissal. The third factor, risk of
5 prejudice to defendants, also weighs in favor of dismissal because a presumption of injury arises
6 from the occurrence of unreasonable delay in filing a pleading ordered by the court or
7 prosecuting an action.⁵ A court's warning to a party that its failure to obey the court's order will
8 result in dismissal satisfies the fifth factor's "consideration of alternatives" requirement.⁶ And
9 that warning was given here.⁷ The fourth factor—the public policy favoring disposition of cases
10 on their merits—is greatly outweighed by the factors favoring dismissal.

11 Accordingly, IT IS HEREBY ORDERED that **this action is DISMISSED** without
12 prejudice. The Clerk of Court is directed to **CLOSE THIS CASE**.

13 Dated this 15th day of February, 2018.

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15 U.S. District Judge Jennifer A. Dorsey
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24 ⁴ *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130;
25 *Ferdik*, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

26 ⁵ *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

27 ⁶ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.

28 ⁷ ECF No. 3.